THE HON'BLE SRI JUSTICE GODA RAGHURAM

Writ Petition No.13302 of 2007

Dated:26.06.2007

Between

A.Kalavathi, W/o.Late Agi Reddy and others.

……Petitioners

And

Principal Secretary to Government, Government of Andhra Pradesh, Secretariat, Hyderabad and others.

…..Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

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ORDER:

Heard the learned counsel for the petitioners and the learned Government Pleader for Land Acquisition.

Petitioners' lands in an extent of Acs.88.08 gts in Survey Nos.122, 127 to 131, 134 and 135 of Badangpet Village, Saroornagar Mandal, Ranga Reddy District had been proposed for acquisition for the Devathalagutta Rifle Range for DMRL. The notification issued under Section 4(1) of the Land Acquisition Act, 1894 (for short 'the Act') did not invoke urgency nor dispense with an enquiry under Section 5(A) of the Act. A notice soliciting objections has also been issued to the petitioners. The petitioners lodged their objections to the acquisition process addressed to the second respondent, who was

delegated the functions of soliciting objections and processing them, by the first respondent who had issued the notification under Section 4(1) of the Act. The decision taken under Section 5(A)(2) of the Act has, however, not been communicated to the petitioners, and even without communicating the decision, the draft declaration under Section 6 of the Act has been issued by the impugned order dated 16.06.2007, is the substantive complaint of the petitioners.

The process of soliciting objections and considering them and thereafter taking a decision as to whether the acquisition should be proceeded with is a salutary process under the provisions of the Act. When the petitioners have lodged their objections to the acquisition process and the State Government or the competent authority takes a decision, it is a decision which has a quasi judicial component and the minimum standards of administrative law require that the representationists must be furnished a copy of the decision, so as to enable them to pursue their appropriate remedies, if aggrieved thereby. We have constituted ourselves into a Republic of reasons and reasons are the legitimate substrata of governance and the administrative process. This substrata is rendered ineffective, if citizens are not communicated the decisions of executive agencies so that they may pursue their remedies, if aggrieved by the decision making process.

Non-communication of the decision taken by the first respondent on the petitioners' objections constitutes a fatal flaw. The issuance of the declaration under Section 6 of the Act dated 16.06.2007 (impugned herein) is therefore invalid. It is accordingly quashed. The first respondent shall communicate the decision taken under Section 5(A) (2) of the Act to the petitioners and only thereafter proceed with the process of acquisition. If the petitioners have any subsisting grievance on the decision taken as communicated to them, they are at liberty to pursue the appropriate remedies.

The writ petition is allowed to the extent above. There shall, however, be no order as to costs.

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GODA RAGHURAM, J

26.06.2007
VGB